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11 Madison Avenue
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EAST TIMOR

Background to the Current Human Rights Situation

Since Indonesian troops invaded the territory in December 1975, and illegally annexed it in July 1976, one third of the population, or at least 200,000 people have died as a result of killings, bombings and famine brought on by the war. [1] As the *Montreal Gazette* points out, the death toll is even higher proportionally than in Cambodia under Pol Pot. [2]

Repeated United Nations (UN) resolutions in the General Assembly have affirmed the right of the East Timorese to a free and fair act of self-determination, and have called for Indonesia to withdraw its troops from the territory. [3] In March, the UN Secretary General reaffirmed that East Timor has the same right to self-determination as Namibia and the Western Sahara. [4]

Indonesia's pervasive security apparatus has kept the flow of information out of the territory limited. In 1989, Indonesia declared the territory "open" to tourism and commerce. Visitors, however, report continued restrictions. An Australian parliamentary mission was accompanied by Indonesian "protocol officers", while entry was refused this year to a Japanese parliamentary group, a mission of Indonesian human rights advocates headed by J.C. PRINCEN, chair of the League for the Defence of Human Rights (LPHAM) and an Australian journalist.

Extensive documentation on continuing human rights abuses has been received from sources in the Roman Catholic Church in East Timor (which remains the primary social institution in the country), reports from refugees and foreign visitors, and documents produced by the active and clandestine resistance in East Timor.

Since 1975, an armed resistance has been carried on against the Indonesian military. Operations against the resistance have intensified since late 1990, when a new offensive was launched in an unsuccessful bid to capture the resistance leader, Kay Rala Xanana GUSMAO.

Beginning with the visit of Pope John Paul II to Dili in October 1989, the focus of resistance to Indonesian rule has shifted from the mountains to cities and towns. Indonesian soldiers are stationed in virtually all areas of the territory, with military presence estimated at as many as 25,000 soldiers in October. [5] In October 1991, Brig-Gen. Rudy WAROUW, armed forces commander in East Timor, announced the replacement of "Operation Smile," an attempt to win the heart and minds of the East Timorese, by "Operation Combat," which signalled an intensification of repression.

The Catholic Church has stood as the one tenuous source of protection from Indonesian repression, despite restrictions on its operations. Starting with an attack on a church in Dili, however, the military has began to target the church and attempt to link it with the resistance. At least four churches were attacked by Indonesian soldiers this year, and several priests have been arrested and tortured. The personal safety of Bishop Carlos Ximenes BELO, Apostolic Administrator of the Diocese of Dili, has been precarious since his appeal to the UN Secretary General in 1989. [6]

Throughout the year, the UN Secretary General used his good offices to bring about an agreement for a mission of parliamentarians from Portugal, the UN-recognized administering power, to East Timor. The visit was scheduled to begin in late October, but was called off at the last minute. The visit's suspension shocked the Timorese people, who had looked to it as a sign of hope.

The massacre of perhaps 200 people in Dili's Santa Cruz cemetery on 12 November 1991, witnessed by foreign journalists, focussed international attention on human rights violations on East Timor. Canada was one of several countries to reduce aid to Indonesia in protest at the killings. However, more massacres followed and repression seems to have intensified after 12 November. Up to 500 people may have been rounded up and executed from 12 November to 10 December. [7]

Arbitrary Arrest and Detention, Torture and Ill-Treatment

According to Amnesty International, more than 400 people were arrested in East Timor from the end of 1988 to 11 November 1991. *"A pattern of short-term detention, ill-treatment and torture of political detainees appears to have worsened in the past year,"* Amnesty says. [8] Forms of torture have included beatings with iron bars, batons and fists, burning with lighted cigarettes, and immersion for long periods in fetid water. A particular favourite of Indonesian torturers is slashing with razor blades.

The fall of 1990 saw a spate of pro-independence demonstrations by mostly young Timorese, beginning with a 4 September demonstration at a Mass celebrating the 50th anniversary of the Dili Diocese, at which the Papal Nuncio to Indonesia was present. Indonesia responded with a wave of arrests which continued in 1991. Many of the arrests involved torture. In January 1991, 20 Timorese were arrested for a short period, during which they were reportedly beaten and tortured. [9]

The wave of arrests also took in Constancio PINTO and David DA CONCEICAO, teachers at Sao José high school in Dili, and three of their students: José Antonio GALUCHO, Talufo MONIZ and Abilio MESQUITA. In April, six more Sao José students were arrested. One of them, Arnaldo MAIA, later had to be hospitalized because of wounds inflicted by torture. [10] David da Conceicao was re-arrested on 28 October and tortured once again. [11]

In March 1991, British journalist Hugh O'Shaughnessy visited East Timor and reported that Indonesian torturers were world experts in *"the refined use of the razor on human flesh."* One priest told him a 17-year-old girl was arrested, raped repeatedly, then had her breasts and private parts cut off and stuffed into her mouth. [12]

Young people are the main targets of repression. In March, 13-year-old José LY was arrested and held for four days for making telephone calls to Indonesian settlers and asking them *"Kapan Pulang?" ("when are you going home?")*. He was reportedly tortured during his confinement and released only after his family paid a 20,000 rupiah bribe. [13]

In February and March, soldiers engaged in a military offensive in the Ossu region arrested several villagers gathering food. On 7 February, Buanuruk villagers were arrested, ordered to dig their own graves, tied up and lined up in front of the graves as if they were to be shot. On 2 March, an elderly villager from Loihuno was tied up with his own towel for eight hours and threatened. In May, 96 civilians in Ossu were arrested, with 20 of them (all students) said to be tortured. [14]

Following the Santa Cruz massacre on 12 November, at least 200 were detained. At the end of 1991, at least 37 of these were still being held. Fourteen have been charged with subversion, which carries a possible death penalty. A further 18 face other criminal charges, while charges against the rest are pending. [15]

A number of priests are also undergoing torture and detention. Fr. Alberto RICARDO, the pastor of Motael parish church and Vicar-General of the Dili Diocese, was repeatedly interrogated through December 1991 and January 1992. Fr. Hilario MADEIRA was detained for two days and threatened with automatic weapons. Fr. Domingos SANTOS was also detained and tortured in December. The pastor of a church in Maliana was reportedly tortured on 4 November.

Another concern is the treatment of Timorese students studying at universities in Indonesia. A military document dated 23 February listed 19 of these students as security risks and put them under surveillance. [16] At a peaceful demonstration in Jakarta on 13 March, 6 students were punched and kicked as they were arrested, and held for one day. [17] On 18 September, Benjamin MARTINS was arrested in Maliana (East Timor) and accused of co-ordinating links between the resistance in East Timor and Timorese students in Indonesia.

Seventy Timorese students in Jakarta who participated in a demonstration to protest against the Santa Cruz massacre were arrested on 19 November. Although most were released on 26 November, they remain under house arrest. Lawyers and relatives have been denied access to the prisoners. [18] The 21 students still held at the end of the year have been charged with "publicly expressing enmity, hate or insults toward the lawful government," which carries a maximum of 7 years in prison. [19]

Four Timorese studying in Denpasar, Bali, were detained on 24 November. All were tortured; one of them José Pompeia Saldanha RIBEIRO, was reported as unable to walk because of the severity of his wounds. [20]

Extra-Judicial Executions and Disappearances

After the Santa Cruz massacre, over 90 people were reported as missing by their families, according to the Indonesian Bishops Conference. Military authorities began a search for mass graves, tacit admission the missing people were probably killed. [21] Other "disappearances" include Moises DO AMARAL, a guerrilla captured on 16 January and still missing late in the year. In January and February, 12 prisoners were taken from Becora prison to unknown places, and a resident of Taibesse, Dili, also disappeared. On 12 February, three people who disappeared in November 1990, José Manuel DA SILVA FERNANDES, Moises DA COSTA, and ANUCU, were apparently ordered killed.

Reported extra-judicial executions include: six shepherds gunned down in the Ossu region on 10 March for allegedly supplying food to guerrillas; Jeremias FUAT, shot dead by soldiers on 17 January; a woman accused of contacting guerrillas and her baby, both reportedly shot at Muasu Lore; and two captured guerrillas said to have been poisoned by soldiers for refusing to divulge their comrades' position.

Masked gangs, rumoured to consist of off-duty soldiers, continued to roam the streets of Dili, terrorizing the population. East Timor's Indonesian-appointed Governor, Mario Viegas CARRASCALAO, spoke of "a kind of terror" pervading the streets at night. [22] In April, 200 Timorese students were said to be "missing," with these gangs suspected.

This atmosphere intensified as the scheduled visit of the Portuguese parliamentary delegation neared. In early summer, intimidation groups began to form, with the goal of creating an atmosphere of terror and chaos leading up to the visit. Of particular concern is the "Regu Ninja/Petrus" gang, a group of masked killers equipped with binoculars, video cameras, pistols and knives. In September, 5,000 additional soldiers arrived in East Timor.

In a plea to supporters in the Portuguese church, Bishop Belo said the Indonesian military had *"once again started a campaign of terror, of threats. Anyone who approaches the Portuguese will be killed. There is no climate of freedom..."* [23]

On 28 October, within a day of the cancellation of the parliamentary mission, soldiers attacked a crowd of 20 youths taking refuge in the Motael parish church in Dili. Soldiers reportedly opened fire on the group, killing Sebastiao GOMES (Rangel), 18, and Afonso HENDRIQUE, about 30.

No evidence was found of the alleged presence of weapons in the church. About 50 young Timorese were arrested in connection with the attack. Some of them were later beaten and subjected to electric shocks. Until this incident, the right of sanctuary in churches had been respected.

Massacres of Civilians

World attention returned to East Timor on 12 November, when soldiers opened fire on a crowd estimated at 2,000 to 4,000 people, all unarmed. [24] Fourteen days after the death of Sebastiao GOMES, mourners gathered in his memory at Motael church at 7:00 a.m. After a Mass conducted by Fr. Ricardo, the congregation set off for Santa Cruz cemetery to lay flowers on the grave, carrying pro-independence banners in Portuguese and English. En route, they were joined by many more people, including school children on their way to classes. When they arrived at the cemetery, soldiers opened fire on the crowd.

> *"The scene at the cemetery gate was frozen into my mind," wrote a British eyewitness. "A young man, badly wounded but still not dead lay across the entrance. Others had tripped and fallen in the dirt. A solid wedge of people were stuck in the entrance, pressed from behind by hundreds of others desperate to escape the bullets. Then the wedge broke, and the people poured screaming through the gap, trampling over the bodies, the wounded and the whole alike. Outside in the street, the soldiers kept up a sustained volley of fire, perhaps two minutes long - thousands of rounds poured into the crowd and down into the cemetery where I was hiding."* [25]

" It was a sea of blood," added Italian priest Stafani RENATO. "Hours after the massacre I saw bloodstains on the road - even though the soldiers tried to scrub them out." [26] The military admitted to 19 killed and 91 wounded; eyewitness accounts place the number at over 100, perhaps over 200. [27] Nuns were said to have been denied entry to the cemetery to minister to the dying after the shooting was over.

One foreigner, New Zealand volunteer worker Kamai BAMADHAJ, 20, was also killed in the massacre. Red Cross workers say he died of blood loss because the Red Cross vehicle taking him to a hospital was held up at an army roadblock. The driver, too, was threatened with death. [28]

Three days later, on 15 November, another 80 young men and women were massacred at Be-Mussi, near Dili. All were said to have been present at Santa Cruz. Reports say the women were raped in front of the men, then, all were forced to strip naked and blindfolded before being shot. [29]

Two more massacres followed. On 17 November, ten witnesses to the Be-Mussi massacre were executed; on 19 November, another seven were shot by masked men believed to be soldiers. The dead included two children, aged one and five, and five women.

Indonesia set up a National Commission of Inquiry which concluded that 50 had been killed at Santa Cruz but blamed demonstrators for "provoking" the soldiers. According to the report, *"There was a spontaneous reaction by soldiers to protect themselves, shooting many times into the demonstrators."* [30] This claim that soldiers fired in self-defence contradicts all other eyewitness accounts and filmed evidence.

In the wake of the report, East Timor army commander Brig-Gen. Rudy WAROUW and his superior, Maj-Gen. Sintong PANJAITAN, were removed from their posts. Diplomats, however, said they expected a more repressive policy from the new East Timor military commander, Brig-Gen. Theo SYAFEI. "I am not as patient as Warouw," Syafei told the Jakarta Post, seemingly heralding a new crackdown. [31]

Restrictions on Freedom of Movement, Speech and Association

Fundamental freedoms of movement, speech and association continue to be severely restricted. Travel throughout the territory remains impossible without obtaining permission from authorities. Villagers are forced to endure frequent curfews, prevented from freely gathering food and medicines in the countryside, and restricted from entry in zones where fighting is going on. Village markets have been destroyed and traditional inter-village trade halted.

Almost the entire rural population of East Timor has been forcibly moved into resettlement centres. [32] Many are thus cut off from their ancestral homes and prevented from returning, even to rejoin their families. House-to-house searches in these resettlement centres and in cities like Dili remain a daily fact of life for the Timorese.

In November, there were reports of more young people being relocated against their will to camps, to get them away from international journalists in Dili. [33]

Mail and telephone calls are monitored, especially in the cases of prominent Timorese like Bishop Belo. Reporters trying to reach Belo and other churchmen after the 12 November massacre were unable to make contact, or were cut off after a short time. After the massacre, international human rights groups reported they were afraid to call their contacts in East Timor because it might put them in danger. [34]

On 19 December, all protests were banned in East Timor, by government decree.

Violations of Religious, Cultural and Collective Rights

Bishop Belo has said that *"we continue to die as a people and as a nation."* The sheer numbers killed in East Timor since the Indonesian invasion, a third of the population, qualify as genocide against the East Timorese people. However, they are also subjected to cultural genocide: deliberate attempts to destroy their indigenous culture and their future as a distinct people in their own land. A full generation has now grown up,

cut off from their rich cultural heritage. East Timor's 30 languages and dialects today stand on the brink of extinction.

Traditional ceremonies, languages and religions are banned. In December 1991, the armed forces shut down Sao José High School in Dili - the only remaining school teaching in Portuguese, English and Tétun, the Timorese *linguafranca* before 1975. [35]

Transmigration of Indonesians from the inner islands, which threatens to swamp the Timorese demographically, continues in a scaled-down form, and the policy was reaffirmed by President Suharto this year. [36] Church sources estimate there are now 100,000 Indonesians in East Timor. [37] "They come off every boat. In ten years Dili will cease to be a Timorese town, if things go on as they are," says Bishop Belo. [38]

Despite the heavy loss of life already suffered by the East Timorese, forced abortions and coercive birth control programmes continue to be inflicted on Timorese women. Forced injections of Depo-Provera have been reported as a disproportionate problem in East Timor. A new form of coercive birth control is the Norplant contraceptive implant, which works in similar fashion but prevents conception for five years. The Norplant is banned in Canada, pending an investigation into side effects said to include increased risk of ectopic pregnancies and possible cancer, sterility and birth defects. In 1991, two-thirds of all Norplants produced in the world were used in Indonesia, meaning a total of 500,000 women implanted with the Norplant. [39]

Traditional agricultural patterns have been displaced, with the western part of the territory now devoted primarily to cash crops of coffee, rice, cardamom and sugar rather than subsistence agriculture. [40]

On 1 July, Indonesian law replaced Portuguese land regulations in East Timor, marking yet another threat to the Timorese culture. Land ownership will now require the owner to use the land, a concept alien to the traditional model. Ownership will have to be approved by local authorities. Under the new regulations, shifting agriculture will be excluded and the government will gain another means of coercion over the people. Churches will also be required to surrender their land to the state in return for possible rights to use the land. The issue of land has become a major controversy, with the Church and Governor strongly opposed to the change and one Timorese civil servant calling it "the second invasion" of East Timor. [41]

Conclusion and Recommendations

The Santa Cruz massacre of 12 November is just the most violent of many violations of human rights exhibited in the territory in 1991, a year in which repression intensified. At the end of the year, repression seems to be intensifying still further. As Bishop Belo said in his Christmas message, *"We are living in fear, not peace. We suffer, hate, cry and lose hope."* [42]

The report of the National Commission of Inquiry has not stopped the repression, but only made it worse. At a time when armed forces commander-in-chief Gen. Ty SUTRISNO makes statements about demonstrators in Dili like "These despicable people must be shot," the dismissal of two lower-ranking officers goes little way toward overcoming gross and systematic violations of human rights. [43] An independent international investigation, as requested by the government of the Netherlands, would be more useful in examining the massacre of 12 November and other violations.

Both Bishop Belo and resistance leader Xanana Gusmao have called for the United Nations to sponsor peace talks, without preconditions, between Timorese, Indonesian and Portuguese parties. Belo has proposed a referendum on independence, a solution recently agreed to for the Western Sahara, where the UN will contribute peacekeeping forces. [44] As Xanana points out, *"Indonesia is not able to integrate East Timor into the Indonesian community by military means. A solution other than military force must be found..."* [45]

Inasmuch as the Canadian Government has accepted only the *de facto* control exercised by Indonesian authorities in East Timor, but has not recognized the *de jure* incorporation of East Timor by Indonesia, we recommend that the Canadian government

1. pursue initiatives towards the implementation of UN Resolution GA 37/30 (1982);

2. call for a withdrawal of Indonesian occupation forces from East Timor and demonstrate support for the right of the people of East Timor to a free and fair act of self-determination, as affirmed by repeated U.N. Resolutions;

At the United Nations,

3. call for an independent investigation, under the auspices of the United Nations, into recent massacres in East Timor;

4. encourage the Secretary-General of the UN to include representatives of the Timorese people, including the Nationalist Convergence, in talks held under his auspices in accordance with UN Resolution GA 37/30 (1982); At 48th Session of the United Nations Commission on Human Rights, Canada should:

5. under Agenda Items 9 and 12, raise the serious concerns of Canadians about the human rights situation in East Timor, taking note of the report of the Special Rapporteur's visit in October 1991 to East Timor and ensure that effective follow-up mechanisms are established.

6. under Agenda Item 10, support a resolution calling for a review of the human rights situation in East Timor. With respect to humanitarian concerns, Canada should

7. help apply international pressure on the Indonesian authorities to give free and unrestricted access to international relief and independent human rights agencies to work in East Timor, particularly the International Committee of the Red Cross and Amnesty International.

Notes

[1] Amnesty International, East Timor: Violations of Human Rights 1975-1984.

[2] "Who Weeps for East Timor?", editorial in *Montreal Gazette*, Montreal, 4 February 1991.

[3] General Assembly Resolution 3485XXX (1975) has been reaffirmed seven times. Security Council Resolution 384 has been reaffirmed twice.

[4] Reuter, 25 March 1991.

[5] Linda Hossie, "Independence Bid Drenched in Blood," in *Globe and Mail*, Toronto, 15 November 1991.

[6] Pax Christi International, "Statement to the UN Special Committee on Decolonization," 9 August 1990.

[7] Dave Todd, "Canada Cuts off $30 million in Aid to Indonesia" in *Ottawa Citizen*, Ottawa, 10 December 1991.

[8] Amnesty International, *Urgent Action Bulletin*, 12 November 1991.

[9] Lindsay Murdoch, "From Dili, A Plea for Peace, and a Slanging Match," in *The Age*, Melbourne, 11 February 1991.

[10] Newsbriefs, Fretilin, May 1991.

[11] Amnesty International, *Urgent Action Bulletin ASA 21/19/91*.

[12] Hugh O'Shaughnessy, "Secret Killing of a Nation," in *The Observer*, London, 7 April 1991.

[13] Newsbriefs, Fretilin, March 1991.

[14] Newsbriefs, Fretilin, July 1991.

[15] Kyodo wire service (Japan), 28 December 1991.

[16] *Tapol Bulletin #105*, June 1991.

[17] Amnesty International, *Urgent Action Bulletin 99/91*, 13 March 1991.

[18] Amnesty International, *Urgent Action Bulletin 21/29/91*.

[19] Associated Press wire, 12 December 1991.

[20] Amnesty International, *Urgent Action*, 9 January 1992.

[21] *Jakarta Post*, 9 December 1991.

[22] *Sunday Age*, 17 February 1991.

[23] David Webster, "Bishop of East Timor: Campaign of Terror Has Begun," in *Catholic New Times*, Toronto, 17 November 1991.

[24] Account based on East Timor News, *Urgent Communiqué #2*, 2 December 1991, corroborated by numerous eyewitness accounts from journalists and others.

[25] Max Stahl, "Massacre Among the Graves," in *The Independent on Sunday*, London, 17 November 1991.

[26] *The Observer*, 17 November 1991.

[27] Dave Todd, "Canada's Deadly Silence," in *Toronto Star*, Toronto, 3 December 1991.

[28] Southam News, "Army Delayed Carrying Bamadhaj: Red Cross," in *Montreal Gazette*, Montreal, 7 December 1991.

[29] Dave Todd, "Terror in Timor - Indonesian Government Plotting Murders of Witnesses to Massacre, say Rights Workers and Bishop," in *Ottawa Citizen*, Ottawa, 25 November 1991.

[30] Peter Wise, "Indonesian Report on Shootings Inaccurate, say Critics," in *Ottawa Citizen*, Ottawa, 27 December 1991.

[31] Reuter wire, 11 January 1992.

[32] Mark Seddon, "Long-Forgotten Victims of an Asian Invader," in *The Times*, London, 20 April 1991.

[33] *Ottawa Citizen*, 25 November 1991.

[34] *Ibid.*

[35] *Tempo*, 7 December 1991.

[36] *Jakarta Post*, 14 December 1991.

[37] Hugh O'Shaughnessy, *Irish Times*, 27 April 1991.

[38] The Observer, 7 April 1991.

[39] Sheila Ward *et al.*, Service Delivery Systems and Quality of Care in the Implementation of Norplant in Indonesia, (New York: The Population Council, 1990).

[40] Elaine Brière and Dan Devaney, "East Timor: The Slaughter of a Tribal Nation," in *Canadian Dimension*, October 1990.

[41] East Timor News, *Monthly Memo #6*, 20 July 1991.

[42] *Jakarta Post*, 26 December 1991.

[43] *Jayakarta*, 14 November 1991.

[44] *The Age*, 11 February 1991.

[45] Belo's October plea for an international peacekeeping force to protect the Timorese has been backed by more than 50 Catholic bishops from around the world, including Bishop Remi de Roo of Victoria and Bishop Hamelin of Rouyn-Noranda, both from the Canadian Conference of Catholic Bishops.